



PURSUANT to Section 28 of the Civil Aviation Act 1990

I, Hon MICHAEL WOOD, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT WELLINGTON

This 5th day of October 2021

A handwritten signature in blue ink, appearing to read 'M. Wood', is written over a faint horizontal line.

by Hon Michael Wood

Minister of Transport

Civil Aviation Rules

Part 61, Amendment 18

Pilot Licences and Ratings

Docket 21/CAR/3

Contents

Rule objective.....	3
Extent of consultation.....	4
Summary of submissions.....	4
Examination of submissions.....	4
Insertion of Amendments	4
Effective date of rule	4
Availability of rules.....	4
Part 61 Pilot Licences and Ratings	5
Subpart A	5
61.17 Written examinations – prerequisites and grades.....	5
Subpart G	6
61.303 Eligibility requirements	6
Subpart Q	11
61.801 Eligibility requirements	11
61.807 Currency requirements	14
61.809 Savings provision	16

Rule objective

The objective of amendment 18 to Part 61 is to update the Civil Aviation Rules (the Rules) to preserve existing arrangements regarding the use of GPS receiver when operating an aircraft under IFR, immediately before the new Performance-Based Navigation (PBN) Rules come into force. In this regard, this amendment allows a person who is certified competent to use the GPS receiver, to continue to carry out instrument approach procedures as provided for in the new rule 61.809 (Savings provision). However, the person must comply with the limitations specified in rule 61.805 and meet the currency requirements under rule 61.807.

This is a consequential amendment as a result of amendment 34 to Part 91.

Other minor amendments

This amendment includes editorial corrections which are not directly related to PBN. The CAA considers it appropriate to include such editorial corrections which better clarify intent, are not controversial, do not impose any additional costs on the aviation industry, nor reduce aviation safety.

In this regard, this amendment corrects the editorial errors that were made in amendment 17 to Part 61, which came into force on 8 February 2021. A change was made to standardise the way periods of time were referred, such as replacing “months” with “days”. The period of “3 months” was incorrectly shortened to “60 days”, instead of “90 days”. This editorial error was made in rules 61.17, 61.801 and 61.807.

This amendment also includes an update to eligibility requirements in existing rule 61.303(e)(3). The rule provides for the eligibility requirements for a category A flight instructor. Currently, to be eligible for the issue of a category A flight instructor rating for an aeroplane, a person is required to hold a *current* instrument rating. The instrument rating does not form part of the category A flight test. Therefore it is not necessary for the instrument rating to be current. Removing the term *current* does not affect the substantive requirement that for an aeroplane, the person must have an instrument rating and that rating is endorsed on the person’s licence.

Extent of consultation

A Notice of Proposed Rulemaking NPRM 20-01, containing the proposed **Part 91 Performance Based Navigation Regulatory Framework** was issued for public consultation under Docket 21/CAR/3 on 16 December 2020.

The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 65 days was allowed for comment on the proposed rule.

Summary of submissions

Six (6) written submissions and no oral comments were received on the NPRM. A summary of submissions for this NPRM is available on the CAA website. These submissions and comments have been considered and as a result no amendment was made to Part 61.

Examination of submissions

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

Insertion of Amendments

The amendment to Part 61 is reflected by –

- revoking and replacing rules 61.17, 61.303, 61.801 and 61.807; and
- inserting rule 61.809.

Effective date of rule

Amendment 18 to Part 61 comes into force on 1 December 2021

Availability of rules

Civil Aviation Rules are available from–

CAA web site: <http://www.caa.govt.nz/>
Freephone: 0800 GET RULES (0800 438 785)

Part 61 Pilot Licences and Ratings

Subpart A

Rule 61.17 is revoked and replaced with the following rule:

61.17 Written examinations – prerequisites and grades

(a) An applicant for a written examination required under this Part must produce as evidence of the applicant's identity—

- (1) a current and valid New Zealand passport; or
- (2) a current and valid New Zealand driver licence; or
- (3) an equivalent form of photographic identification that is acceptable to the Director.

(b) An applicant for a written examination required under this Part must gain at least 70% of the possible marks in order to pass the examination.

(c) An applicant for a pilot licence or instrument rating must pass all the approved written examinations that are required for the particular pilot licence or instrument rating within 3 years of taking the first examination to gain a written examination credit for the licence or rating.

(d) The written examination credit specified in paragraph (c) is—

- (1) in the case of a private pilot licence, a commercial pilot licence, and an instrument rating, valid for 3 years; and
- (2) in the case of an airline transport pilot licence, valid for 10 years (except that the examination pass in airline transport pilot licence aviation law must not be more than 5 years old).

(e) A person who fails a written examination 3 times within a period of 90 days may not sit another examination in that subject for a period of 90 days following the date of the last failed examination.

(f) *Revoked*

Subpart G

Rule 61.303 is revoked and replaced with the following rule:

61.303 Eligibility requirements

Category E flight instructor

(a) To be eligible for the issue of a Category E flight instructor rating, a person must—

- (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
- (2) hold a current Grade 1 agricultural rating for the appropriate category of aircraft with a rating to conduct aerial topdressing, aerial spraying, or aerial VTA as appropriate; and
- (3) have a minimum of 2000 hours flight time experience on agricultural aircraft operations which must include—
 - (i) if the person seeks to instruct in aerial topdressing, a minimum of 100 hours flight time experience of aerial topdressing as a pilot in the appropriate category of aircraft;
 - (ii) if the person seeks to instruct in aerial spraying, a minimum of 100 hours flight time experience of aerial spraying as a pilot in the appropriate category of aircraft;
 - (iii) if the person seeks to instruct in aerial VTA operations, a minimum of 100 hours flight time experience as a pilot in the appropriate category of aircraft, comprising flight time experience on aerial

topdressing operations and at least 50 hours of flight time experience on aerial VTA operations; and

- (4) *Revoked*
- (5) *Revoked*
- (6) demonstrate to the Director adequate technical knowledge of agricultural aviation by passing an oral examination and a flight test that are acceptable to the Director; and
- (7) if not already the holder of a current flight instructor rating, have satisfactorily completed an approved instructional techniques course within the 12 months prior to applying for a Category E flight instructor rating, or such other period acceptable to the Director.

Category D flight instructor

(b) To be eligible for the issue of a Category D flight instructor rating, a person must—

- (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
- (2) have a minimum of 700 hours flight time experience as a pilot including pilot-in-command experience acceptable to the Director; and
- (3) if the person seeks to instruct at night, have night flight experience acceptable to the Director; and
- (4) if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and
- (5) if the person seeks to instruct in instrument flight, have an appropriate current instrument rating; and
- (6) demonstrate to the Director the ability to competently instruct for aircraft type conversion by passing an oral examination and a flight test that are acceptable to the Director; and

- (7) if not already the holder of an instructor rating, have satisfactorily completed an approved course in the practice and theory of flight instruction.

Category C flight instructor

(c) To be eligible for the issue of a Category C flight instructor rating, a person must—

- (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
- (2) have a minimum of 200 hours flight time experience as a pilot in the appropriate category of aircraft comprising specific flight experience that is acceptable to the Director; and
- (3) if the person seeks to instruct at night, have night flight experience acceptable to the Director; and
- (4) if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and
- (5) if the person seeks to instruct in spinning or aerobatic manoeuvres in aeroplanes, have aerobatic experience acceptable to the Director; and
- (6) have satisfactorily completed an approved course in the practice and theory of flight instruction; and
- (7) have passed oral examinations in the following subject areas:
 - (i) aeroplane or helicopter principles of flight and performance, as appropriate;
 - (ii) meteorology;
 - (iii) cross-country navigation techniques;
 - (iv) the practice and theory of flight instruction; and

- (8) have a minimum of 25 hours dual flight instructor training or approved equivalent; and
 - (9) demonstrate to the Director the ability to give flight instruction in the appropriate category of aircraft in all normal and emergency flight manoeuvres by passing an oral examination and a flight test that are acceptable to the Director.
- (ca) A person who holds a current New Zealand Defence Force flight instructor qualification may be accepted by the Director as meeting the requirements in—
- (1) paragraph (c)(2); and
 - (2) paragraph (c)(6), if the person's New Zealand Defence Force instructor qualification is for aeroplanes; and
 - (3) paragraph (c)(8).

Category B flight instructor

- (d) To be eligible for the issue of a Category B flight instructor rating, a person must—
- (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
 - (2) be the holder of a Category C flight instructor rating or approved equivalent for the appropriate category of aircraft; and
 - (3) have a minimum of 500 hours flight time experience as a pilot in the appropriate category of aircraft comprising specific flight experience that is acceptable to the Director; and
 - (4) if the person seeks to instruct at night, have night flight experience acceptable to the Director; and
 - (5) if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and

- (6) if the person seeks to instruct in spinning or aerobatic manoeuvres in an aeroplane, have aerobatic experience acceptable to the Director; and
 - (7) have passed oral examinations in the following subject areas:
 - (i) aeroplane or helicopter principles of flight and performance as appropriate;
 - (ii) meteorology;
 - (iii) cross-country navigation techniques;
 - (iv) the practice and theory of flight instruction; and
 - (8) demonstrate to the Director the ability to give flight instruction in the appropriate category of aircraft in all normal and emergency flight manoeuvres by passing an oral examination and a flight test that are acceptable to the Director.
- (da) A person who holds a current New Zealand Defence Force flight instructor qualification may be accepted by the Director as meeting the flight time experience required by paragraph (d)(3) for the issue of a Category B flight instructor rating.

Category A flight instructor

- (e) To be eligible for the issue of a Category A flight instructor rating, a person must—
- (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
 - (2) be the holder of a Category B flight instructor rating or approved equivalent for the appropriate category of aircraft; and
 - (3) in the case of an aeroplane, be the holder of an instrument rating; and

- (4) have a minimum of 1250 hours experience in the appropriate category of aircraft comprising specific flight experience that is acceptable to the Director; and
- (5) if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and
- (6) have passed oral examinations in the following subject areas:
 - (i) aeroplane or helicopter principles of flight and performance as appropriate;
 - (ii) meteorology;
 - (iii) cross-country navigation techniques;
 - (iv) the practice and theory of flight instruction; and
- (7) demonstrate to the Director an above average ability to give flight instruction in the appropriate category of aircraft during the day and night in all normal and emergency flight manoeuvres (including in the case of an aeroplane, spinning and aerobatic manoeuvres) by passing an oral examination and a flight test that are acceptable to the Director.

Subpart Q

Rule 61.801 is revoked and replaced with the following rule:

61.801 Eligibility requirements

- (a) Except as provided in paragraphs (b) and (c), to be eligible for an instrument rating (Aeroplane or Helicopter), a person must—
 - (1) hold a current class 1 or class 2 medical certificate issued under the Act and a pilot licence, which includes the night flying privileges for the pilot licence, for the appropriate category of aircraft; and
 - (2) have flight time experience acceptable to the Director; and

- (3) successfully complete a ground training course, in the following subject areas:
- (i) air law: rules and regulations relevant to flight under IFR; related air traffic service practices and procedures; pre-flight preparations and checks appropriate to flight under IFR; operational flight planning; preparation and filing of flight plans under IFR; altimeter setting procedures; interpretation and use of aeronautical documentation such as AIP, NOTAM, aeronautical codes and abbreviations, and instrument procedure charts for departure, en-route, descent and approach; precautionary and emergency procedures; safety practices associated with flight under IFR; radiotelephony procedures and phraseology as applied to aircraft operations under IFR; action to be taken in case of communication failure:
 - (ii) flight navigation - IFR: practical air navigation using radio navigation aids; use, accuracy and reliability of navigation systems used in departure, en-route, approach and landing phases of flight; identification of radio navigation aids:
 - (iii) meteorology: interpretation and application of aeronautical meteorological reports, charts and forecasts; use of, and procedures for obtaining, meteorological information, pre-flight and in-flight; altimetry; aeronautical meteorology; climatology of relevant areas in respect of the elements having an effect upon aviation; the movement of pressure systems, the structure of fronts, and the origin and characteristics of significant weather phenomena which affect take-off, en-route, and landing conditions; hazardous weather avoidance:
 - (iv) instruments and navigation aids: use, limitation and serviceability of avionics and instruments necessary for the control and navigation of aircraft under IFR and in instrument meteorological conditions; use and

limitations of autopilot; compasses, turning and acceleration errors; gyroscopic instruments, operational limits and precession effects; practices and procedures in the event of malfunctions of various flight instruments:

- (v) human factors: human performance and limitations; and
- (4) successfully complete a flight training course conducted by an appropriately qualified flight instructor comprising a minimum 10 hours of dual instruction in the appropriate category of aircraft in the following subject areas:
- (i) pre-flight procedures, including the use of the flight manual or equivalent document, and appropriate air traffic service documents in the preparation of an IFR flight plan;
 - (ii) pre-flight inspection, use of checklists, taxiing and pre-take-off checks;
 - (iii) procedures and manoeuvres for IFR operation under normal, abnormal, and emergency conditions covering at least: transition to instrument flight on take-off; standard instrument departures and arrivals; en-route IFR procedures; holding procedures; instrument approaches to specified minima; missed approach procedures; and landings from instrument approaches;
 - (iv) in-flight manoeuvres and particular flight characteristics;
 - (v) for multi-engine aircraft, the operation of the aircraft solely by reference to instruments with 1 engine inoperative or simulated inoperative; and
- (5) have a valid written examination credit, or approved equivalent, that covers approved written examinations in the subject areas described in paragraph (a)(3); and

- (6) successfully demonstrate to the Director (by undertaking a flight test in an appropriate aircraft or in an approved synthetic flight trainer) the ability to competently perform the procedures, manoeuvres, and operations described in paragraph (a)(4) that are applicable to the navigation systems on which the applicant is being tested, and the ability to—
- (i) operate the aircraft within its limitations; and
 - (ii) complete all manoeuvres with smoothness and accuracy; and
 - (iii) exercise good judgement and airmanship; and
 - (iv) apply aeronautical knowledge; and
 - (v) control the aircraft at all times in a manner that ensures the successful outcome of a procedure or manoeuvre is never in doubt.
- (b) To be eligible for an instrument rating, a holder of an unrestricted equivalent rating issued by an ICAO Contracting State must—
- (1) have a valid written examination credit in the subject of air law described under paragraph (a)(3)(i); and
 - (2) pass the flight test required by paragraph (a)(6).

(c) A person who holds a New Zealand Defence Force instrument rating and has passed a New Zealand Defence Force instrument flight assessment in the 90 days before applying for an instrument rating meets the eligibility requirements of paragraphs (a)(2) to (a)(6).

Rule 61.807 is revoked and replaced with the following rule:

61.807 Currency requirements

- (a) Except as provided in paragraph (b), the holder of an instrument rating must not exercise the privileges of the rating unless the holder has,—
- (1) within the immediately preceding 12 months,—

- (i) successfully demonstrated to a flight examiner competency in accordance with rule 61.801(a)(6) for the appropriate category of aircraft; and
 - (ii) the person who conducts the competency demonstration certifies the successful completion of the check in the pilot's logbook in accordance with rule 61.29; and
- (2) within the immediately preceding 90 days,—
- (i) either met the requirements of paragraph (a)(1) or completed at least 3 hours instrument time (which must have included at least 1 hour instrument flight time); and
 - (ii) carried out at least 3 published instrument approach procedures (1 of which may be performed in an approved synthetic flight trainer); and
- (3) if acting as a pilot of a non-centrelines-thrust multi-engine aircraft under IFR, demonstrated the competency required in paragraph (a)(1) in a non-centrelines-thrust multi-engine aircraft; and
- (4) if carrying out an instrument approach procedure under IFR, within the immediately preceding 90 days, performed in flight or in an approved synthetic flight trainer a published instrument approach procedure using a similar type of navigation system; or
- (5) if conducting an IFR operation under the authority of an air operator certificate issued under the Act and Part 119, satisfied the IFR competency requirements in Part 121, 125 or 135 as appropriate; and
- (6) holds a current class 1 or class 2 medical certificate issued under the Act.

(b) The holder of an instrument rating who does not comply with paragraph (a)(2) may act as support pilot of an aircraft on an IFR flight if the aircraft is not performing an air operation.

(c) A pilot who successfully completes the demonstration required by paragraph (a)(1) within 60 days before the date on which it is required is deemed to have completed the demonstration on the required date.

The following rule is inserted after rule 61.807:

61.809 Savings provision

A pilot-in-command who had been certified competent in the use of GPS receiver under rule 19.205, immediately before 1 December 2021 –

- (1) is deemed to have met the requirements of rule 61.805(b)(3);
- (2) may carry out an instrument approach procedure under IFR using the GPS receiver; and
- (3) must comply with the limitations referred to in rule 61.805; and
- (4) must meet the currency requirements referred to in rule 61.807.